

REMARKS

The last Office Action of November 12, 2008 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 54, 56-60, 66-71, 75 and 77-86 are pending in the application. Claims 54, 55, 77 and 83 are cancelled. Claims 67, 69, 71, 75, 80, 81 have been amended. New claim 87 has been added. A total of 19 claims is now on file including three independent claims. No claim surcharge is due since more claims were cancelled than added. An amendment to the specification has been made. No fee is due.

The Examiner has issued a new matter rejection with respect to claim 83.

It is further noted that claims 54, 56-60, 66-67, 69-71, 75, 77-84 and 86 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 54, 56-60, 66-67, 69-71, 75, 77-82, 84 and 86 stand rejected under 35 U.S.C. §102(e) as being anticipated by or in the alternative as obvious under 35 U.S.C. §103(a) over U.S. Patent 6,951,682 to Zebala ("Zebala").

Claim 83 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zebala in view of U.S. Patent 5,581,337 to Suzuki ("Suzuki"):

NEW MATTER REJECTION

The Examiner has rejected claim 83 based on the use of the term "triboelectrically". In response to the rejection, applicant has deleted the term and inserted "electrostatically" therefore. The term "electrostatically" is fully supported by the description where it appears throughout. See, for example paragraph [0096].

OBJECTION TO THE CLAIMS

Applicant acknowledges the Examiners withdrawal of claims 68 and 85 from consideration as being drawn to non-elected species.

REJECTION OF CLAIMS 54, 56-60, 66-67, 69-71, 75-84 AND 86 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant addresses the Examiner's rejections in accordance with the numbered paragraphs in which they appear.

1. With respect to claim 75, as far as the rejection has been understood, applicant has amended the claim by reciting all essential steps, including that the transport units are changed from solid to liquid.

It is believed that as a result of the amendment of claim 75, the rejection under 35 U.S.C. §112, second paragraph becomes moot.

2. With respect to claim 1, the Examiner cites, it is not understood what this means since claim 1 has been cancelled.

Further the Examiner has questioned the term "matrix". Applicant has amended the description to refer to the definition of FIG. 25 in which the matrix is

schematically seen. The numeral listing also includes the term matrix. "Matrix" is for example defined among others as "a mass by which something is enclosed or embedded". See Webster Third New International Dictionary. Here the matrix included the solvent as now recited in the claim. The support is where the monomers are being coupled to after the mobilization step.

3. The Terms: first", "suitable" and "precise" have been eliminated from the claims.

4. Claim 77 has been cancelled.

5. The term "preliminary" has been eliminated from claim 67. With respect to claim 69, the reference to "first cycle" has also been eliminated.

6. Claim 65 was already cancelled, the rejection is thus moot.

7. Claim 71 has been amended to eliminated the term "moved".

In view of the amendments made to the claims, applicant believes that the grounds for rejection have been eliminated.

Withdrawal of the rejection of claims 54, 56-60, 66-67, 69-71, 75-84 and 86 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION OF CLAIMS 54, 56-60, 66-67, 69-71, 75, 77-82, 84 AND 86 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY OR IN THE ALTERNATIVE AS OBVIOUS UNDER 35 U.S.C. §103(a) OVER ZEBALA

The Examiner's rejection of the claims is respectfully traversed.

The Examiner has cited 5 full single spaced pages from the reference patent without precisely pointing out what the Examiner considers rendering any specific claim obvious. While the Examiner may not be obligated to detail each

and every element which elements she considers anticipates the claims, however under the obviousness standard the Examiner must point out which elements in the claims are considered obvious, so that applicant can respond to those rejections.

Notwithstanding the foregoing, applicant responds as follows.

Zebala describes a lithographic method of the type that provides a specialized solid support which is meant to have a large accessible surface in the lithographic method. Zebala does not use laser printing.

As a general comment, all prior art cited by the Examiner and the prior Examiners refer to lithographic methods. All lithographic methods have severe drawbacks as also outlined in the description. Zebala is directed to a lithographic method. In all lithographic methods a surface of the substrate is patterned into two kinds of areas, namely areas with protecting groups removed to allow for a chemical reaction and areas where the protecting groups are not removed thus hindering chemical reaction. Zebala is not directed to positioning at different times a pattern of different immobilized peptide or nucleic acid monomers in the form of transport units at a solid state of aggregation to a support, which transport units differ from each other by the monomers immobilized within; wherein the immobilized peptide or nucleic acid monomers are temporarily blocking a coupling reaction of the monomers to the support by the reversibly immobilized monomers; inducing a change in the transport units from the solid state of aggregation to a liquid state of aggregation, thereby permitting a free diffusion of the monomers; then carrying out a coupling reaction to couple at least two different of the monomers to the support at the same time in one single combinatorial synthesis.

Furthermore, the claims recite that at the end the non-linking molecules are being washed away. This is not the case with Zebala, where all molecules remain on the surface and no transport units nor non-linked monomers are being removed, let alone being washed away. Zebala explicitly fortifies the multilayered particles to get a stable support, see col. 11, lines 20 to 65 (gelled network).

Therefore, Zebala does not anticipate claims 75, 80 and 87 nor are the claims rendered obvious. Should the Examiner disagree with the latter, it is respectfully requested that the rejection under 35 U.S.C. §103(a) is being presented in detail so applicant can respond to the specific elements the Examiner considers obvious.

Withdrawal of the rejection of claims 75, 80 and 87 and the claims depending therefrom under 35 U.S.C. §102(b), in the alternative as being obvious under 35 U.S.C. §102(b) is thus respectfully requested.

**REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a) AS BEING OBVIOUS
UNDER 35 U.S.C. §103(a) OVER ZEBALA IN VIEW OF SUZUKI.**

Applicant has cancelled claim 83 so that the Examiner's objections thereto have been rendered moot.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

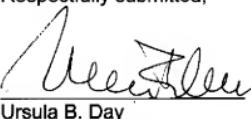
None of the references nor a combination thereof, disclose a method for the combinatorial synthesis of monomers respectively oligomers as claimed.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 
Ursula B. Day
Attorney For Applicant
Reg. No: 47,296

Date: April 13, 2009
708 Third Avenue, Suite 1501
New York, N.Y. 10017
(212)244-5500

Docket No.: POUTSKA-2
Appl. No.: 09/880,688